

that the ink have characteristics that can be detected by a compatible reader. This is not the same as being viewed. The capability of visibly viewing an ink and that of being capable of being detected are two totally apart and distinct features. Applicant's invention is directed to a stamp that has an indicia that is not visible under normal viewing conditions. This is not taught or suggested by the Gilmore et al. reference.

Applicant would like to point out an incorrect statement by Applicant in its' prior response. Applicant incorrectly stated that the indicia of Gilmore et al. once scanned, will allow reproduction. What applicant meant to state, as clearly set forth in the specification, at page 5, line 17, is that the ink is not capable of being scanned for reproduction. Thus, Gilmore et al. reference does not teach or suggest that the indicia will not allow reproduction. The limitation that the indicia is not capable of being scanned for reproduction is clearly set forth in dependent claim 17 of the present application. The invisibility of the ink of the present invention provides this function. The Gilmore et al. reference does not teach or suggest the providing of such indicia. Quite the contrary, the Gilmore et al. reference teaches away from this in that it teaches the ability to detect the ink. This is in contrast to the present invention, wherein it is not desirable that the ink be detected so as to prevent the possibility of illegally producing copies of the subject stamp.

The Examiner states that the applicant's arguments with respect to the Gilmore et al. reference does not teach or suggest an invisible ink, are not persuasive as set forth in paragraph 6. The Examiner states that the page 5, lines 26 and 27 of the instant application, refers to the fact that the indicia area 40 may be eye readable or not visible to the eye. In this regard, applicant would like to point out that this is dealing with third indicia and not the second indicia as set forth in independent claim 12. The third indicia is directed to identifying the printer used and its' location. Wherein the second indicia is used to identify that it is a limited edition stamp. It is the second indicia that is not visible or scannable under normal viewing conditions. The Gilmore et al. reference does not teach or suggest that it is a limited edition stamp or that the indicia is not visible under normal viewing conditions. Furthermore, as set forth in dependent claim 17, it doesn't teach or suggest that the second indicia is not capable of being scanned for

reproduction and as previously discussed the Gilmore et al. reference teaches away from this as it is directed to scanning images that can be detected.

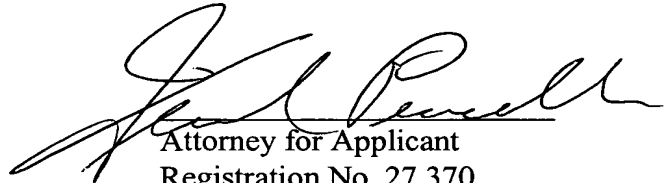
The Examiner has also rejected claims 12, 13, 15 and 19 stating that it would have been obvious to one of ordinary skill in the art to incorporate any desired indicia since it would only depend upon the intended use of the assembling and the desire to be displayed. In this regard the second indicia has specific physical properties that allow for the providing of a limited edition stamp which is not taught or suggested by the prior art. Thus, there is definitive structural features that provide the function of providing a limited edition stamp which is not taught or suggested. The indicia is more than just something that is placed on a stamp but has specific physical properties that are essential to providing a limited edition stamp in accordance with the present invention which is not taught or suggested by the prior art.

The Examiner has also rejected 22-23 under 135 USC § 103(a) as being unpatentable over Brasington et al. in view of Gilmore et al. The Examiner sets forth that the Brasington et al. reference discloses a sheet of stamps having a first visible indicia, a second indicia and a third indicia for identifying the vendor/printing machine and location. However, this fails to teach or suggest the providing of an indicia using an ink that can only be viewed under certain viewing conditions as taught and claimed by applicant. As previously discussed, the Gilmore et al. reference is directed only to indicia that can be detected and not to a visible ink. The Brasington et al. reference does not teach or suggest this and therefore could not provide the invention as currently set forth in claim 23 for the same reasons as discussed with independent claim 12.

The dependent claims 24-33 depend at least upon independent claim 23 and are also distinguishable for the same reason that claim 12 is distinguishable over the prior art.

In view of the foregoing, applicant respectfully submits that the claims in the present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant  
Registration No. 27,370

Frank Pincelli/djw  
Rochester, NY 14650  
Telephone: (716) 588-2728  
Facsimile: (716) 477-4646